IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Tr.P(C).No. 98 of 2007()

OP.712/2006 of FAMILY COURT, KOTTAYAM
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PETITIONERS:
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1. TENNYSON CYRIAC,
THAZHATHEL HOUSE, EDAMARUKU, ERUMPRA,
VELUKAVU, KOTTAYAM DISTRICT.

2. ANCY CYRIAC, W/O. CYRIAC,
THAZHATHEL HOUSE, EDAMARUKU, ERUMPRA,
MELUKAVU, KOTTAYAM DISTRICT.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENT:

BILSY, W/O. TENNYSON,
THANNITTAMAKKAL HOUSE, MADAKKATHANAM P.O.,
KOTTAYAM DISTRICT.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.C. NO. 98 OF 2007

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Dated this the 23rd day of May, 2007.

J U D G M E N T

This is an application filed to transfer the case pending before the Family Court, Ettumanoor as O.P.712/06. The suit is one for realisation of an amount of more than 68 lakhs. The defendants are the petitioners herein and their grievance is that permission to cross-examine the plaintiff has not been properly granted and therefore they are deprived of their valuable right and so seeks transfer of the case. I am informed that on 21/5/07 the plaintiff's evidence was closed and it is posted for the respondent's evidence. It is averred in the transfer application that on the date of trial about 44 documents were produced by the plaintiff in the case and opportunity has not been granted to the defendant to contradict the witnesses with the documents produced and factually cross-examine the witnesses so as to elicit proper answers which would be of an immense help for the proper disposal of the case, if these are true and genuine. Therefore, I

feel that the matter can be considered by permitting the present petitioners to file application to re-examine the witness with notice to the other side. The learned Family Court Judge is directed to consider whether further opportunity has to be given to the petitioners to further cross-examine the witnesses so that the parties have a satisfaction that they have been totally heard before the matter is finally disposed of. With these observations, the Transfer Petition is disposed of and the Registry is directed to hand over a copy of this judgment to the counsel for the petitioners for further action.

M.N. KRISHNAN, JUDGE.

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